

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

INDIRECT PURCHASER PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs individually and on behalf of all others similarly situated, hereby move this Court to certify this matter as a class action under Rule 23 of the Federal Rules of Civil Procedure. Plaintiffs contemporaneously serve their Memorandum of Law and the declarations in support of Class Certification.

Pursuant to Local Rule 7.2(d), Plaintiffs request oral argument. Plaintiffs believe oral argument will assist the Court in addressing the issues presented and will allow the parties to answer any questions the Court may have. Plaintiffs further request the opportunity to present evidence, including expert testimony, in support of this motion, at the convenience of the Court.

Proposed Class Definition:

Plaintiffs propose the following Nationwide Damages Class under Tennessee law and Rule 23(b)(3):

All natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the "Class Period") for: (a) registration

fees associated with participation in Varsity Cheer Competitions; (b) Varsity Cheer Apparel; or (c) registration fees for attendance at Varsity Cheer Camps.

Plaintiffs further propose the following State Law Damages Class under Rule 23(b)(3):

All natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the “Class Period”) for: (a) registration fees associated with participation in Varsity Cheer Competitions; (b) Varsity Cheer Apparel; or (c) registration fees for attendance at Varsity Cheer Camps, in Arizona, Arkansas, California, Connecticut, the District of Columbia, Florida, Hawaii Idaho, Iowa, Kansas, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin.¹

Plaintiffs further propose the following Nationwide Injunctive Relief Class under Rule 23(b)(2):

All natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the “Class Period”) for: (a) registration fees associated with participation in Varsity Cheer Competitions; (b) Varsity Cheer Apparel; or (c) registration fees for attendance at Varsity Cheer Camps.

This Motion is based on the accompanying memorandum of law, the declaration of Joseph Saveri and all exhibits attached thereto, the declaration of Jessica Jones, the declaration of Christina Lorenzen, and the record evidence and filings in this case.

¹ On August 1, 2022, the Court dismissed Plaintiffs’ claims under (1) the antitrust and consumer protection laws of Alaska, Alabama, Colorado, and Illinois; (2) Tennessee antitrust law with respect to the Cheer Competitions and Cheer Camps markets; and (3) Tennessee consumer protection law. ECF No. 333. On August 23, 2022, Plaintiffs moved the Court to reconsider its ruling with respect to the dismissed Tennessee claims. ECF No. 335. The motion is fully briefed.

Dated: February 10, 2023

Respectfully submitted,

By: /s/ Joseph R. Saveri

Joseph R. Saveri

Joseph R. Saveri*
Steven N. Williams*
Ronnie Seidel Spiegel*+
David Seidel*
Kevin Rayhill*
Elissa A. Buchanan*
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
jsaveri@saverilawfirm.com
swilliams@saverilawfirm.com
rspiegel@saverilawfirm.com
krayhill@saverilawfirm.com
dseidel@saverilawfirm.com
ebuchanan@saverilawfirm.com

Van Turner (TN Bar No. 22603)
TURNER FEILD, PLLC
2650 Thousand Oaks Blvd., Suite 2325
Memphis, Tennessee 38118
Telephone: (901) 290-6610
Facsimile: (901) 290-6611
Email: vturner@turnerfeildlaw.com

Richard M. Paul III*
Ashlea Schwarz*
PAUL LLP
601 Walnut, Suite 300
Kansas City, Missouri 64106
Telephone: (816) 984-8100
rick@paulllp.com
ashlea@paulllp.com

Jason S. Hartley*
HARTLEY LLP
101 West Broadway, Suite 820
San Diego, CA 92101
Telephone: (619) 400-5822
Email: hartley@hartleyllp.com

Daniel E. Gustafson*
Daniel C. Hedlund*
Daniel J. Nordin*
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
dnordin@gustafsongluek.com

*Attorneys in the Jones Action for Individual and
Representative Plaintiffs*

CERTIFICATE OF CONSULTATION

I hereby certify, pursuant to Local Rule 7.2(a)(1)(B), that my firm has met and conferred with counsel for Defendants regarding this motion. Defendants oppose this motion.

/s/ Joseph R. Saveri

Joseph R. Saveri